

FILED  
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DISTRICT OF UTAH  
BY: \_\_\_\_\_  
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Attorney for Defendants Richard Day and  
American Registrar & Transfer Co.

IN THE UNITED STATES DISTRICT COURT

STATE OF UTAH

GLADE W. JAMES, individually and as )  
trustee; KIRT W. JAMES; INTREPID )  
INTERNATIONAL LTD.; HJS FINANCIAL )  
SERVICES, INC.; SHIBEWALT )  
MANAGEMENT, INC.; INTREPID )  
INTERNATIONAL SA; OASIS )  
ENTERTAINMENT, LLC; OASIS )  
ENTERTAINMENT'S FOURTH MOVIE )  
PROJECT; OASIS ENTERTAINMENT )  
CORP.; GLENNEYRE CAPITAL CORP.; )

Plaintiffs, )

vs. )

RICHARD DAY; AMERICAN REGISTRAR )  
& TRANSFER CO.; GREG HARRY, JEFF )  
HARRY, JENNA HARRY, WILLIAM S. )  
STOCKER, J. DAN SIFFORD JR., KARL E. )  
RODRIGUEZ, KARL E. RODRIGUEZ LTD; )  
JEFFJENA LTD; ANNEIUS EQUITY )  
MANAGEMENT, INC.; POYANDROUS )  
TRADING GROUP INC.; EXIM )  
INTERNATIONAL INC.; GLENNEYRE )  
EQUITY GROUP LTD; DANA LEASING, )  
INC.; PATAGONIA DEVELOPMENT SA; )  
PATAGONIA COMMERCIAL SA; )  
QUICKSILVER DEVELOPMENT SA; )

ORDER GRANTING DEFENDANTS'  
MOTION TO DISMISS PLAINTIFFS'  
AMENDED COMPLAINT

No. 2:02CV-1147

Judge Dee Benson

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MARSHALL WORLDWIDE LTD; TITAN )  
 CAPITAL SA; B&V UNION )  
 TECHNOLOGIES INC.; JOZETTE JAMIE )  
 LEE; PAM FERNLEY; GAYNELL T. )  
 HARRY, trustee; THE LEEWARD FAMILY )  
 TRUST; THE ALBRIGHT LIVING TRUST; )  
 LAURENCIO JAEN O.; LEOPOLDO )  
 KENNION G.; TEODORO F. FRANCO L.; )  
 NIXIA AURORA ZERNA AKA NIXIE A. )  
 ZERNA; KEVIN HARRINGTON; TIM )  
 HARRINGTON; RELIANT INTERACTIVE )  
 MEDIA CORP.; UNION BANK OF )  
 CALIFORNIA; UNION SECURITIES LTD; )  
 DOMINIC BUSTO; MADISON STOCK )  
 TRANSFER, INC.; MICHAEL AJZENMAN; )  
 BANK OF MONTREAL; DEBORAH )  
 CALDWELL; EQUITRADE SECURITIES )  
 INC.; DON CARRIG; STEPHEN H. )  
 ROEBUCK, KIM CARROLL; )  
 CANACCORD CAPITAL CORP; BRAD )  
 SCHARFE; JOHN SKINNER; MJK )  
 CLEARING SERVICES; ROYAL BANK OF )  
 CANADA; WEST AMERICA SECURITIES; )  
 BANCO DE COSTA RICA; YORKTON )  
 SECURITIES; JOHN SKINNER; TAR )  
 FINANCIAL GROUP INC.; CAL MESAE; )  
 TARJA MORDO; MORGAN STANLEY )  
 DEAN WITTER & CO.; RICHARD FRANK, )  
 EMILY YSAIS; GLOBAL SECURITIES; )  
 STEVE REGOCI; DUNDEE SECURITIES; )  
 JOHN HARWARD; EH&P INVESTMENTS )  
 AG; ERWIN HAAS; MFC MERCHANT )  
 BANK SA; MARTA PARDO; MICHAEL )  
 SMITH; GOLDEN CAPITAL SECURITIES, )  
 LTD; MELLON SECURITIES TRUST )  
 CORP; SWISS AMERICAN SECURITIES; )  
 LOM; TREVO KIDD; CARDINAL )  
 CAPITAL MANAGEMENT INC.; CHRIS )  
 DORST; BANK AUGUST ROTH AG; )  
 CREDIT LYONNAIS (SCHWEIZ) AG; )

BANK SAL. OPPENHEIM JR. & CLE.;	)
PUBLIC SECURITIES; MICHAEL	)
BASCETTA; DOES 1-500	)
	)
Defendants.	)
	)
	)
	)

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Defendants' Richard M. Day ("Day") and American Registrar & Transfer Company ("American Registrar") Motion to Dismiss Plaintiffs' Amended Complaint came on for hearing before the Honorable Dee Benson on September 11, 2003 at 2:00 p.m. MST. Brian Steffensen and Zelita Biesele appeared on behalf of the plaintiffs. Daniel W. Jackson appeared on behalf of defendants Day and American Registrar. Mark Pugsley and David Finkelson of Ray, Quinney & Nebeker appeared on behalf of defendants Union Securities, Ltd. and Dominic Busto. George Pratt of Jones, Waldo, Holbrook & McDonough represented defendant Union Bank of California. Bruce Pritchett of Bruce M. Pritchett, L.C. appeared for defendants Mike Ajzenman and Madison Stock Transfer. John Spencer Snow appeared for defendants Public Securities and Michael Bascetta. Wallace Boyack appeared on behalf of defendants Greg Harry, Jeff Harry, and William S. Stocker. Max Wheeler of Snow, Christensen & Martineau appeared for defendant Reliant Interactive Media Corp., Kevin Harrington and Tim Harrington.

Before the Court for consideration was the motion of defendants Day and American Registrar to dismiss Plaintiffs' Amended Complaint which motion was joined in by defendants Union Securities, Ltd., Dominic Busto, Public Securities, Michael Bascetta, Reliant Interactive

Media Corp., Kevin Harrington, Tom Harrington, Michael B. Ajzenman and Madison Stock Transfer.

The Court having considered the parties' written briefs, together with the pleadings on file herein, and the oral argument of counsel, and good cause appearing, it is hereby:

ORDERED THAT the Motion filed by Day and American Registrar to Dismiss Plaintiffs' Amended Complaint is granted and plaintiffs' Amended Complaint is dismissed as against all named defendants except: Greg Harry, Jeff Harry, Jenna Harry, William S. Stocker, J. Dan Sifford Jr., Karl E. Rodriquez, Karl E. Rodriquez Ltd, Jeffjena Ltd; Anneius Equity Management, Inc., Polyandrous Trading Group Inc., Exim International Inc.; Glenneyre Equity Group Ltd; Dana Leasing, Inc., Patagonia Development SA, Patagonia Commercial SA, Quicksilver Development SA, Marshall Worldwide LTD, Titan Capital SA, and B&V Union Technologies Inc. ("Harry Related Defendants").

IT IS FURTHER ORDERED THAT plaintiff shall have 30 days from the date of this Order to file a Second Amended Complaint against the Harry Related Defendants;

IT IS FURTHER ORDERED THAT plaintiff shall have 90 days from the date of this Order to serve the Harry Related Defendants as defined in this Order;

IT IS FURTHER ORDERED THAT any Harry Related Defendant properly served shall have 120 days from the date of this Order to answer or otherwise respond to Second Amended Complaint;

IT IS FURTHER ORDERED THAT notwithstanding the right to amend the Complaint and pursue this action against the Harry Related Defendants, the Court declines to exercise its supplemental jurisdiction based on the lack of a federal basis for jurisdiction as to all of the defendants other than the Harry Related Defendants which jurisdiction has not yet been determined;

IT IS FURTHER ORDERED THAT defendants Greg Harry and William S. Stocker's Motion to Dismiss under Rule 4(m) of the Federal Rules of Civil Procedure is denied and they shall answer or respond to the Second Amended Complaint as set forth herein for the Harry Related Defendants; and

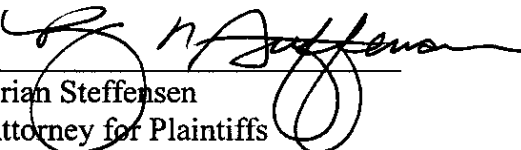
IT IS FURTHER ORDERED THAT the dismissal of the Amended Complaint is without prejudice. However, if plaintiffs desire to join defendants other than the Harry Related Defendants in this action, they must file a separate motion to join such specific defendant and present facts in support of that motion sufficient to satisfy this Court that specific facts may be properly alleged that would support all the elements necessary to state a claim under the Racketeering Influenced and Corrupt Organizations Act (U.S.C. §§1961-1968) as against that specific defendant. In addition, such motions if filed by plaintiffs must satisfy this Court that the claims made by plaintiffs against said defendants do not fall within the scope of 18 U.S.C. §1964(c).

DATED this 4<sup>th</sup> day of December, 2003.

BY THE COURT:

  
Honorable Dee Benson

Approved as to form:

  
Brian Steffensen  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_ day of \_\_\_\_\_, 2003, I caused to be mailed, postage prepaid, a true and correct copy of the foregoing Order Granting Defendants'

Motion to Dismiss Plaintiffs' Amended Complaint to:

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United States District Court  
for the  
District of Utah  
December 8, 2003

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:02-cv-01147

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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